

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SETH STEINMAN,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JOHN KERESTES, et al.,	:	NO. 10-2398
Respondents.	:	

EXPLANATION AND ORDER

This Court previously entered an order (Doc. No. 5) directing the Clerk of Quarter Sessions of Philadelphia County to file with the Clerk of this Court the state court record in the matter of Commonwealth v. Seth Steinman, Case No. CP-51-CR-0006661-2000. The Court has been advised, however, that the Clerk of Quarter Sessions (now known as the Office of the Prothonotary of the First Judicial District of Pennsylvania) cannot provide the record at this time due to the pendency of a PCRA appeal in that matter.

Among the issues presented by the petition is the reasonableness of the state court's determination of ineffectiveness claims arising from the prosecutor's closing argument. As to those claims, Petitioner bears the burden of showing that there would have been merit to his attorney raising an objection and a showing that the comments had a substantial and injurious effect on the trial as a whole such that the failure to have objected to them actually prejudiced Petitioner. The various state court opinions and trial exhibits that the parties have appended to their submissions have proven helpful in our review of many of the claims raised in the petition. As to the claims arising from the alleged prosecutorial misconduct, however, we conclude that it is necessary for us to review the trial transcripts (to which both parties cite in their submissions) in order to assess the merits of Petitioner's claims. Ordinarily, we would have the benefit of the Quarter Sessions file to

refer to the notes. In light of the unavailability of that file, however, we must ask Respondents to provide us with a copy of these materials.

AND NOW, this 21st day of June, 2011, in light of the foregoing and pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases, **IT IS HEREBY ORDERED THAT** the District Attorney of Philadelphia County shall submit to the Court,¹ on or before July 5, 2011, a copy of the Notes of Testimony of trial (opening arguments through verdict).²

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

¹ An electronic copy of the notes of testimony is sufficient.

² It is not necessary for Respondents to provide any transcript of voir dire.